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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 SPEARMAN CORPORATION  
10 MARYSVILLE DIVISION and  
11 SPEARMAN CORPORATION KENT  
DIVISION,

12 Plaintiffs,

13 v.

14 THE BOEING COMPANY,

15 Defendant.

No. 2:20-cv-00013 RSM

ORDER GRANTING IN PART  
DEFENDANT’S MOTION TO SEAL

16 This matter comes before the Court on Defendant the Boeing Company  
17 (“Boeing”)’s Motion to Seal its unredacted version of its Answer and Third-Party Complaint.  
18 Dkt. #66. Boeing moves to seal this document based on information obtained through  
19 discovery that has been marked confidential by Plaintiffs under the stipulated Protective Order  
20 in this case. *Id.*

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22 “There is a strong presumption of public access to the court’s files.” LCR 5(g).  
23 Normally the moving party must include “a specific statement of the applicable legal  
24 standard and the reasons for keeping a document under seal, with evidentiary support from  
25 declarations where necessary.” LCR 5(g)(3)(B). However:

26 Where parties have entered a litigation agreement or stipulated protective order (see LCR 26(c)(2)) governing the exchange in

1 discovery of documents that a party deems confidential, a party  
2 wishing to file a confidential document it obtained from another  
3 party in discovery may file a motion to seal but need not satisfy  
4 subpart (3)(B) above. Instead, the party who designated the  
document confidential must satisfy subpart (3)(B) in its response to  
the motion to seal or in a stipulated motion.

5 LCR 5(g)(3).

6 Plaintiffs bear the burden of overcoming “‘a strong presumption’ in favor of access” to  
7 court records and can only do so by “‘articulat[ing] compelling reasons supported by specific  
8 factual findings’ that outweigh the general history of access and the public policies favoring  
9 disclosure.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006)  
10 (internal citations omitted). As the operative pleading in its case, Boeing’s counterclaim goes to  
11 the “very heart of the suit” and is essential to the “public’s understanding of [it],” making the  
12 public interest in access to it “especially great.” *Tevra Brands LLC v. Bayer HealthCare LLC*, No.  
13 19-CV-04312-BLF, 2020 WL 1245352, at \*2–\*3 (N.D. Cal. Mar. 16, 2020). Notably, “[t]he mere  
14 fact that the production of records may lead to a litigant’s embarrassment, incrimination, or  
15 exposure to further litigation will not, without more, compel the court to seal its records.”  
16 *Kamakana*, 447 F.3d at 1179. However, applying the “compelling reasons” standard, the Ninth  
17 Circuit has found appropriate the sealing of documents attached to a motion for summary judgment  
18 when court records could be used “as sources of business information that might harm a litigant’s  
19 competitive standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir.  
20 2016), *cert. denied*, 137 S.Ct. 38 (2016).

21 The Court has reviewed Plaintiffs’ Response and finds that Plaintiffs are mainly concerned  
22 with embarrassment or exposure to further litigation, which do not constitute compelling reasons  
23 to seal this pleading. Concerns over the weakness of Boeing’s claims are properly addressed in  
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1 future motions. While the Court is concerned with the release of confidential business information,  
2 the Court agrees with Boeing that Plaintiffs have failed to show how any of the specific allegations  
3 at issue could cause competitive damage. *See* Dkt. #80 at 7. The names of non-parties should be  
4 and will be redacted.

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6 Accordingly, having considered Defendant Boeing's Motion to Seal, Plaintiffs' Response,  
7 and the remainder of the record, the Court hereby ORDERS that Boeing's Motion to Seal is  
8 GRANTED IN PART. Dkt. #68 is to remain under seal. Boeing shall immediately file a revised  
9 version of its redacted pleading, to supersede that filed at Dkt. #70, with the redactions to which  
10 Boeing agreed to stipulate, as reflected in Exhibits B and C to the Supplemental Declaration of  
11 Leigh E. Sylvan, Dkt. #81.

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13 DATED this 29<sup>th</sup> day of April, 2021.

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17 RICARDO S. MARTINEZ  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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